

In the Matter of the Calculation of Final Compensation of:

Bruce Malkenhorst, Sr., Respondent,
and
City of Vernon, Respondent

OAH Case No. 2013080917

CalPERS Case No. 2012-0671

EXHIBIT U (7 PAGES)

**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF VERNON HELD NOVEMBER
5, 1991 AT 5 P.M. IN THE COUNCIL
CHAMBERS OF THE CITY HALL LOCATED
AT 4305 SANTA FE AVENUE, VERNON,
CALIFORNIA**

MEMBERS PRESENT: Malburg, Ybarra, McCormick, Davis, Gonzales

MEMBERS ABSENT: None

The meeting was called to order by Mayor Malburg.

It was moved by Ybarra, seconded by Davis, that the minutes of the City Council Meeting held October 1, 1991, be approved as submitted and adopted. Motion carried.

RESOLUTION NO. 6001 - A Resolution of the City Council of the City of Vernon Approving and Ratifying the Execution of a Side Letter Agreement By and Between the Municipal Employee Relations Representative and the Vernon Police Officers' Benefit Association ("VPBOA") (Employee Group 2) Providing for the Implementation of an Experimental 4/10 Plan. (Deferred from the City Council Meeting held October 22, 1991.)

It was moved by Davis, seconded by Gonzales, that Resolution No. 6001 be deferred to the next regular City Council Meeting to be held November 19, 1991. Motion carried.

It was moved by McCormick, seconded by Ybarra, that the minutes of the Adjourned Regular City Council Meeting held October 22, 1991, be approved as submitted and adopted. Motion carried.

At this time the Mayor presented a 15 Year Service Pin to Elizabeth Sawickis, Records Manager in the Police Department. Captain Mason accepted a 10 Year Service Pin on behalf of Melody Chancey, Secretary in the Police Department, who was unable to attend the meeting.

The Mayor called a recess at 5:19 p.m.

The Council reconvened in regular session at 5:21 p.m., all members present before the recess again being present.

RESOLUTION NO. 6010 - A Resolution of the City Council of the City of Vernon Amending Section 23, Subsection (a) and Exhibit A, Schedule II, Page 15 of Resolution No. 5944, Which Fixed the Compensation for Certain Employees of Said City and Authorized Certain Expense Allowances, was presented.

It was moved by Ybarra, seconded by Davis, that Resolution No. 6010 be approved and adopted. Motion carried.

Police Department Activity Log for the period October 16 thru 31, 1991, was presented.

It was moved by McCormick, seconded by Gonzales, that the Police Department Activity Log for the period October 16 thru 31, 1991, be received and filed. Motion carried.

Fire Department Activity Report for the period October 16, thru 31, 1991, was presented.

It was moved by Davis, seconded by Ybarra, that the Fire Department Activity Report for the period October 16 thru 31, 1991, be received and filed. Motion carried.

The Mayor asked if there was anyone in the audience who wished to address the Council on any matter listed on the Agenda other than with regard to any Public Hearings that may be listed.

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There was no one in the audience who wished to address the City Council on any matter on the Agenda at this time.

Communication from Kenneth J. DeDario, Director of Light and Power, dated October 15, 1991, was presented, requesting authority and funds for Edward LeBlanc, Electrical Engineering Manager, to attend the California State Public Utilities General Order 95 and 128 Rules Committee Meeting in Modesto, November 6-8, 1991, with an expense allowance \$370.

It was moved by Ybarra, seconded by Gonzales, that authority be granted for Edward LeBlanc to attend the California State Public Utilities General Order 95 and 128 Rules Committee Meeting in Modesto, November 6-8, 1991, with an expense allowance of \$370. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated October 29, 1991, was presented, transmitting a report as submitted by Sharon Duckworth, Finance Department Office Manager, pertaining to proposed business license rate increases (approximately 10%) and some changes to Resolution No. 5683 affecting business license taxes, related fees and deposits pursuant to Chapter 15 of the Vernon City Code. This has been reviewed by the City Attorney, and it is hereby recommended that the proposed increases and changes be approved to be effective January 1, 1992.

It was moved by McCormick, seconded by Gonzales, that the communication from the City Clerk dated October 29, 1991 be received and filed and that his recommendation be approved. Motion carried.

ORDINANCE NO. 1003 - An Ordinance of the City Council of the City of Vernon Amending Sections 15.29, 15.31, 15.34 and 23.10 of the Code of the City of Vernon Regarding Fees For Conducting Business Activities in the City of Vernon, was read by title for a First Reading.

It was moved by Ybarra, seconded by Davis, that Ordinance No. 1003 be approved for a First Reading. Motion carried.

Communication from Victor H. Vaits, Director of Community Services, dated October 28, 1991, was presented, transmitting Contract No. 499, Traffic Signal Installation, Soto Street and Bandini Boulevard-37th Street, Soto Street and Farmer John Driveway and Soto Street and Vernon Avenue, and recommending that the contract be approved and authority be granted to advertise for bids.

The Council asked Mr. Vaits about the installation of the signal at that location.

It was moved by Ybarra, seconded by McCormick, that the aforementioned matter of Contract No. 499 be deferred to the next Finance Committee Meeting to be held November 12, 1991 for further study. Motion carried.

RESOLUTION NO. 6006 - A Resolution of the City Council of the City of Vernon Approving Contract No. 499 and Authorizing Notice Inviting Sealed Proposals or Bids for Traffic Signal Installation, Soto Street and Bandini Boulevard-37th Street, Soto Street and Farmer John Driveway and Soto Street and Vernon Avenue in Accordance with Contract No. 499 of the City of Vernon, was presented.

It was moved by Ybarra, seconded by Davis, that Resolution No. 6006 be deferred to the next regular City Council Meeting to be held November 19, 1991. Motion carried.

Communication from Victor H. Vaits, Director of Community Services, dated October 28, 1991, was presented, advising that Contract No. 508, Washington Boulevard Resurfacing, has been completed. The total amount of the contract was \$170,212.09 and a final partial payment of \$152,690.88 is now due with the remaining

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ten percent, \$17,021.21, payable thirty-five days after acceptance. It is hereby recommended that the work be accepted and that authority be granted to pay the contractor, Shawnan Corporation, 12240 Woodruff Avenue, Downey, California 90241 in accordance with the agreement.

It was moved by McCormick, seconded by Davis, that the communication from the Director of Community Services dated October 28, 1991 be received and filed and that his recommendation be approved. Motion carried.

RESOLUTION NO. 6007 - A Resolution of the City Council of the City of Vernon Accepting the Work of Shawnan Corporation, in Accordance with Contract No. 508 of the City of Vernon, was presented.

It was moved by Gonzales, seconded by Ybarra, that Resolution No. 6007 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated October 29, 1991, was presented, transmitting the 1991-1992 contract for the City's participation in the Central and West Basin Water Replenishment District In-Lieu Program. The purpose of this program is to use imported water during in-lieu periods at a reduced rate in substitution of groundwater which would otherwise be pumped during that period, thereby replenishing the groundwater basin. This has been reviewed by the Director of Community Services and the City Attorney, and it is hereby recommended that said In-Lieu Replenishment Agreement be approved and executed.

It was moved by Ybarra, seconded by Davis, that the communication from the City Clerk dated October 29, 1991 be received and filed and that his recommendation be approved. Motion carried.

RESOLUTION NO. 6011 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of an In-Lieu Replenishment Agreement (July 1, 1991-June 30, 1992) By and Between the City of Vernon and the Central and West Basin Water Replenishment District, was presented.

It was moved by McCormick, seconded by Gonzales, that Resolution No. 6011 be approved and adopted. Motion carried.

Communication from Kenneth J. DeDario, Director of Light and Power, dated October 29, 1991, was presented, requesting authority and funds for Bob Tang, Assistant Power Engineer, to attend the "Energy Management and the Environment" seminar in Long Beach, November 16, 1991, with an expense allowance of \$113.40.

It was moved by Ybarra, seconded by Davis, that authority be granted for Bob Tang to attend the "Energy Management and the Environment" Seminar in Long Beach, November 16, 1991, with an expense allowance of \$113.40. Motion carried.

Communication from Kenneth J. DeDario, Director of Light and Power, dated October 29, 1991, was presented, requesting authority and funds for Ramon Abueg, Associate Power Engineer, to attend the Western Area Power Administration's Integrated Resource Planning Conference in Las Vegas, November 12-13, 1991, with an expense allowance of \$312.45.

It was moved by McCormick, seconded by Gonzales, that authority be granted for Ramon Abueg to attend the Western Area Power Administration's Integrated Resource Planning Conference in Las Vegas, November 12-13, 1991, with an expense allowance of \$312.45. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated October 30, 1991, was presented, transmitting a revised "Emergency Ambulance Service Agreement" with the County of Los Angeles which has been reviewed by the City Attorney, and recommending that said agreement be approved and executed.

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David B. Brearley, City Attorney, addressed the City Council and briefly summarized this matter for them.

It was moved by McCormick, seconded by Davis, that the communication from the City Clerk dated October 30, 1991, be received and filed and that his recommendation be approved. Motion carried.

RESOLUTION NO. 6008 - A Resolution of the City Council of the City of Vernon Approving an Emergency Ambulance Service Agreement By and Between the County of Los Angeles and the City of Vernon, was presented.

It was moved by Gonzales, seconded by Ybarra, that Resolution No. 6008 be approved and adopted. Motion carried.

Communication from Kenneth J. DeDario, Director of Light and Power, dated October 29, 1991, was presented, transmitting results, as listed below, of qualifying bids received and opened October 29, 1991, in accordance with Contract No. 8201, Air Toxics Hot Spots Air Emission Source Testing, and recommending that the contract be awarded to South Coast Environmental Company, 1582-1 N. Batavia, Orange, California 92667 on the basis of their bid of \$52,000:

South Coast Environmental Company	\$52,000
CTL Environmental Services	54,881

It was moved by Gonzales, seconded by Ybarra, that the communication from the Director of Light and Power dated October 29, 1991 be received and filed and that his recommendation be approved. Motion carried.

RESOLUTION NO. 6009 - A Resolution of the City Council of the City of Vernon Accepting the Bid of South Coast Environmental Company for Air Toxics Hot Spots Air Emissions Source Testing in Accordance with Contract No. 8201 of the City of Vernon and Approving the Execution of Said Contract, was presented.

It was moved by McCormick, seconded by Davis, that Resolution No. 6009 be approved and adopted. Motion carried.

Communication from Bruce V. Malikenhorst, Director of Personnel, dated October 31, 1991, was presented, transmitting the Agenda for the Personnel Committee Meeting to be held November 4, 1991, for approval of the recommendations contained therein.

It was moved by Davis, seconded by McCormick, that the recommendations listed on the Agenda for the Personnel Committee Meeting held November 4, 1991 be approved as submitted and adopted with the exception of the matter of Lt. William Waxman which was deferred to the next Personnel Committee Meeting to be held November 18, 1991. Motion carried.

WARRANT REGISTER NO. 826 covering claims and demands presented during the period of October 18 thru 31, 1991, drawn on the First Interstate Bank totaling \$321,462.18, which includes Demand Nos. 34576 thru 34759 (inclusive), excluding Light & Power Demands and void Demands Nos. 34584 and 34618 thru 34621 (Accounting period November, 1991) was examined and audited.

It was moved by Davis, seconded by Gonzales, that Warrant Register No. 826 be approved and payment authorized for claims and demands totaling \$321,462.18, excluding Light and Power Demands. Motion carried.

WARRANT REGISTER NO. 826 covering claims and demands presented during the period of October 18 thru 31, 1991, drawn on the First Interstate Bank totaling \$1,850,282.65, which includes Light & Power Demands Nos. as listed below (accounting period November, 1991) was examined and audited:

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34576	34597	34609	34666	34707	34718	34741	34755
34580	34599	34615	34671	34708	34724	34742	34757
34589	34600	34630	34679	34709	34728	34743	
34591	34602	34653	34699	34715	34736	34750	
34592	34605	34665	34705	34717	34740	34753	

It was moved by Ybarra, seconded by McCormick, that Warrant Register No. 826 be approved and payment authorized for claims and demands totaling \$1,850,282.65. Motion carried. Councilman Davis abstained from voting and disqualified himself because it is reasonably foreseeable that the decision may have a material financial effect on his source of income.

Communication from Bruce V. Malckenhorst, City Clerk, dated October 31, 1991, was presented, advising that at the City Council Meeting held October 22, 1991, King Meat, Inc. was granted a Variance. At the request of King Meat, the Director of Community Services has re-evaluated the codes and at this time is recommending that "Condition" No. 1 of the Variance be changed to read as follows:

- From: 1. The opening shall be protected by a roll up door having a fire assembly with a one-hour fire protection rating. The door shall have fusible links.
- To: 1. No structure shall be constructed within 30 feet of the proposed opening.

Victor Vaits, Director of Community Services, addressed the City Council and summarized this matter for them.

It was moved by Ybarra, seconded by McCormick, that the communication from the City Clerk dated October 31, 1991, be received and filed; and that "Condition No. 1" of the Variance previously granted to King Meat, Inc. be changed to read as listed above. Motion carried.

Consideration of increasing Vernon's ownership share in the California-Oregon Transmission Project.

The City Clerk addressed the City Council and briefly summarized this matter.

David B. Brearley, City Attorney, addressed the City Council and highlighted information on this project.

It was moved by Gonzales, seconded by Ybarra, that the staff study the feasibility of increasing Vernon's ownership share in the California-Oregon Transmission Project. Motion carried. Councilman Davis abstained from voting and disqualified himself because it is reasonably foreseeable that the decision may have a material financial effect on his source of income.

ORDINANCE NO. 1004 - An Ordinance of the City Council of the City of Vernon Amending the Code of the City of Vernon by Adding Article XI Entitled "City of Vernon Municipal Facilities Revenue Bond Law" to Chapter 2, Administration, Relating to Powers and Procedures to Issue Revenue Bonds for the Purpose of Financing Municipal Facilities of the City, and Including Definitions, General Provisions, Powers, Issuance Procedures and Certain Supplemental Provisions, was read by title for a First Reading.

David B. Brearley, City Attorney, addressed the City Council and briefly summarized this matter.

It was moved by Gonzales, seconded by McCormick, that Ordinance No. 1004 be approved for a First Reading. Motion carried.

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Consideration of granting the City Administrator authority to execute related agreements associated with the procurement of natural gas for the City's gas turbines in amounts not to exceed \$20,000.

David B. Brearley, City Attorney, addressed the City Council and briefly summarized this matter for them.

It was moved by Ybarra, seconded by Davis, that authority be granted for the City Administrator to execute related agreements, not to exceed \$20,000, associated with the procurement of natural gas for the City's gas turbines. Motion carried.

RESOLUTION NO. 6012 - A Resolution of the City Council of the City of Vernon Approving and Ratifying appropriations for the Operating Costs of the Redevelopment Agency of the City of Vernon for Fiscal Year 1988/1989, and Confirming the Loans Thereto, was presented.

David B. Brearley, City Attorney, addressed the City Council and briefly summarized this matter for them.

It was moved by McCormick, seconded by Gonzales, that Resolution No. 6012 be approved and adopted. Motion carried.

The Mayor called a recess at 6:25 p.m.

The Council reconvened in regular session at 6:30 p.m., all members before the recess again being present.

It was moved by Ybarra, seconded by McCormick that the Council recess to Closed Session Attorney/Client privilege pursuant to Government Code Section(s) 54956.9(a) and 54956.9(c). Motion carried.

All persons with the exception of the City Clerk and the City Attorney were excluded from Closed Session.

The Mayor ordered all communications to and from Closed Session deemed privileged and confidential.

Councilman Davis was excused from Closed Session at 7:00 p.m.

Councilman Davis resumed his seat on the Council at 7:05 p.m.

It was moved by McCormick, seconded by Ybarra, that the Council go out of Closed Session and resume regular session. Motion carried.

It was moved by McCormick, seconded by Ybarra, that the City Attorney be authorized, on behalf of the City, to join an amicus brief in the appeal of Trustees of the California State University v. City of Chico, Butte Co. Superior Court No. 10265, 3rd Dist. Court of Appeal No. 3 CIV C011604, to be filed supporting the City of Chico. Motion carried.

There being no further business to come before the Council at this time it was moved by McCormick, seconded by Ybarra, that the meeting adjourn to November 13, at 5:00 p.m. Motion carried.


Leonis C. Malburg, Mayor

ATTEST:


Bruce V. Malikenhorst, City Clerk

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NOTICE OF AN ADJOURNMENT
OF THE CITY COUNCIL OF THE CITY OF VERNON

I HEREBY CERTIFY THAT THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF VERNON HELD NOVEMBER 5, 1991 AT 5:00 P.M. IN
THE COUNCIL CHAMBERS OF THE CITY HALL LOCATED AT 4305 SANTA FE
AVENUE, VERNON, CALIFORNIA, WAS ADJOURNED BY ORDER OF THE CITY
COUNCIL TO NOVEMBER 13, 1991 AT 5 P.M. IN THE COUNCIL CHAMBERS
OF THE CITY HALL LOCATED AT 4305 SANTA FE AVENUE, VERNON, CALIFORNIA.


Bryce V. Malckenhorst
City Clerk

BY: 
Gloria J. Procco
Chief Deputy City Clerk

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